

#1121

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 04-0120-1248ELECTIONS: UNIT AW-135
(herein "Subject Drilling Unit")TAX MAP IDENTIFICATION NUMBERS:

Tax map identification numbers for all parcels affected by this order are shown on Exhibit marked "Tract Identifications" which is attached to and a part of this order.

REPORT OF BOARDFINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously executed in the captioned matter on September 21, 2004 which was re-recorded at Deed Book 922, Page 489 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on September 23, 2004, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit AW-135;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Attn: Rachel Rafferty or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

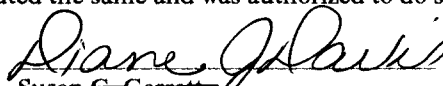
DONE AND EXECUTED this 8th day of March, 2005, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA


COUNTY OF ~~WISE~~ Washington

Acknowledged on this 8th day of March, 2005, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary

My commission expires: 9/30/05.

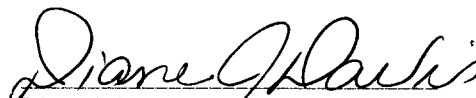
DONE AND PERFORMED THIS 11th day of March, 2005, by Order of the Board.


B. R. Wilson,
Director of the Division of Gas & Oil Board and
Principal Executive to the Board

STATE OF VIRGINIA

COUNTY OF WASHINGTON

Acknowledged on this 11th day of March, 2005, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/05.

Order Recorded Under Code of
Virginia Section 45.1-361.26

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit AW-135
VGOB 04-0120-1248 in the Maiden Springs District of Tazewell County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,
ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager - Environmental / Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on September 21, 2004, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on September 23, 2004;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of September 21, 2004;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow and/ or they are no longer an owner, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

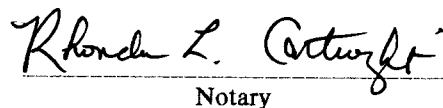
See attached Exhibit EE

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 24th day of February, 2005.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager - Environmental / Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 24th day of February, 2005.


Notary

My commission expires: OCT 31 2005

DK0935P60050

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

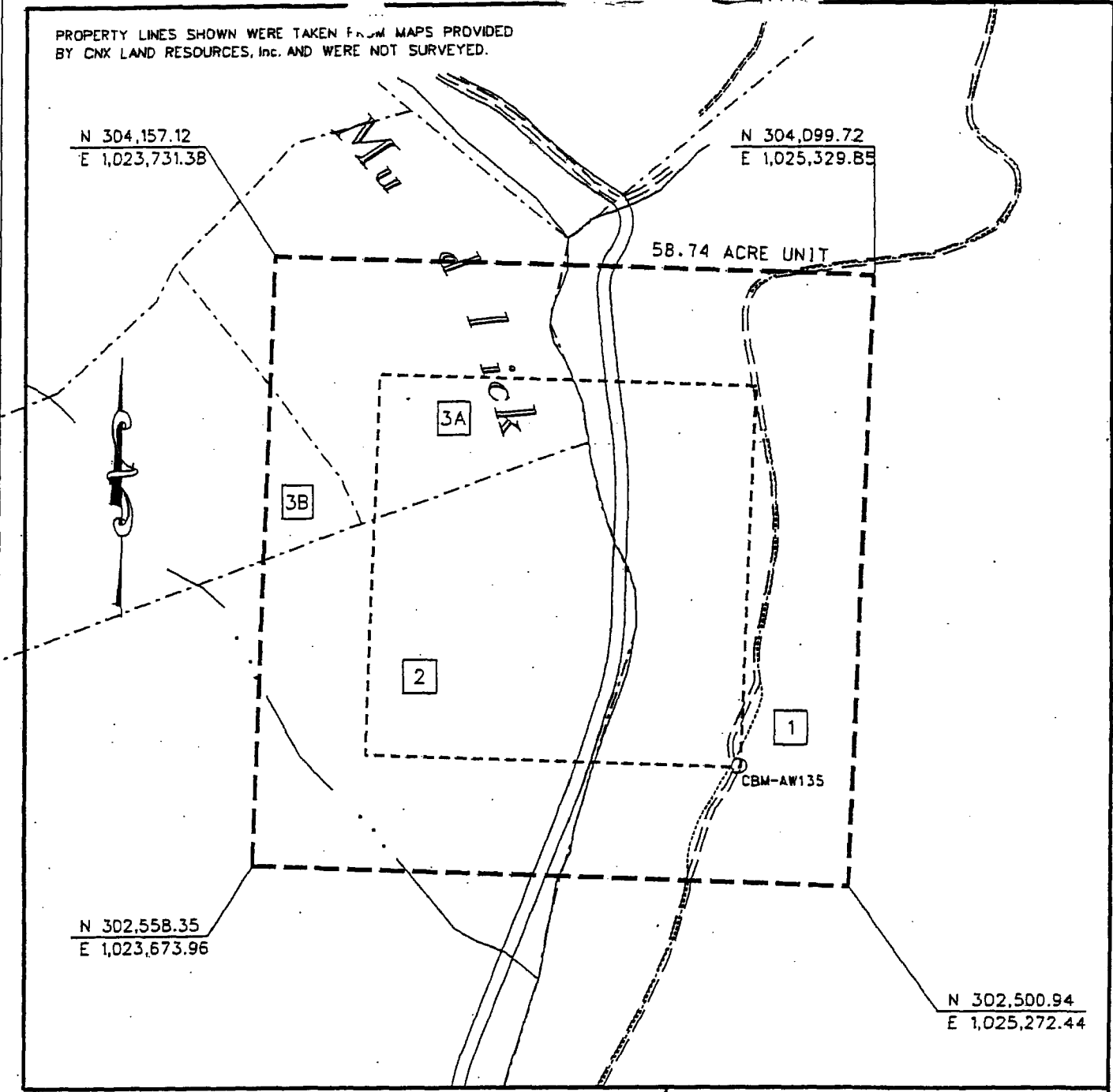


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AW-135
FORCE POOLING
VGOB-04-0120-1248

Company CNX Gas Company LLC Well Name and Number UNIT AW135
Tract No. _____ Elevation _____ Quadrangle Richmond
County Tazewell District Maiden Springs Scale: 1" = 400' Date 9 DEC 04
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGD-GD-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

No. 023780

CNX Gas Company LLC

Unit AW-135

**Tract Identifications
(58.74 Acre Unit)**

1. **Reserve Coal Properties Company (Harman-Huffman 1,031.53 Acre Tract) -
Tiller and Above Coal Seams
Mary A. Huffman, et al (13/60), Reserve Coal Properties Company (47/60) (Harman-
Huffman 1,031.53 Acre Tract) - Coal Below Tiller Seam Except P-3 Seam
CNX Gas Company LLC - CBM Leased
Mary A Huffman, et al (13/60), James W. Harman, Jr., et al. (47/60) (Harman-Huffman
1,031.53 Acre Tract) - P-3 Seam
CNX Gas Company LLC – All Minerals except Coal
Reserve Coal Properties Company – Surface
(Tax Map 85 Parcel 18)
26.42 acres 44.9779%**
2. **Coal Creek Coal Company Tr. 3 (Robert D. Smith 620 Acre Tract) – Coal
Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Tiller Seam Sublessee
CNX Gas Company LLC – Oil, Gas and CBM Leased
Emma Jean Vance – Surface and All Minerals except Coal
(Tax Map 85 Parcel 39)
17.12 acres 29.1454%**
- 3A. **Coal Creek Coal Company Tr. 1 (Alex P. McGlothlin 180 Acre Tract) – Coal
Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Mary A. Huffman, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85 Parcel 39)
12.42 acres 21.1440%**
- 3B. **Coal Creek Coal Company Tr. 1 (Alex P. McGlothlin 180 Acre Tract) – Coal
Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Goldie M. Smith Miller, et al – Surface and All Minerals except Coal
(Tax Map 85 Parcel 19)
2.78 acres 4.7327%**

Docket #VGOB 04-0120-1248
List of Unleased Owners/Claimants
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #2, 17.12 acres</u>		
(1) Emma Jean Vance c/o Kenneth Anders P.O. Box 558 Doran, VA 24612	17.12 acres	29.1454%
<u>Tract #3B, 2.78 acres</u>		
(1) Goldie Miller, et al.	2.78 acres	4.7327%
(a) Goldie Miller 152 Fawn Drive Raven, VA 24639	2.09 acres 3/4 of 2.78 acres	3.5495%
(b) Betty Osborne P.O. Box 1082 Raven, VA 24639	0.17 acres 1/16 of 2.78 acres	0.2958%
(c) Louvonna Davis P.O. Box 957 Raven, VA 24639	0.17 acres 1/16 of 2.78 acres	0.2958%
(d) Charlotte Osborne P.O. Box 276 Pounding Mill, VA 24637	0.17 acres 1/16 of 2.78 acres	0.2958%
(e) Don Cox 2816 Red Root Ridge Road Raven, VA 24639	0.04 acres 1/64 of 2.78 acres	0.0739%
(f) Donald W. Cox 21 Hartford Road Audbon, NJ 08106	0.04 acres 1/64 of 2.78 acres	0.0739%
(g) Deidre Smith 633 Knox Chapel Road Social Circle, GA 30279	0.04 acres 1/64 of 2.78 acres	0.0739%
(h) Dinah Shelton 115 Bobcat Lane Raven, VA 24639	0.04 acres 1/64 of 2.78 acres	0.0739%
- OR -		
(1) W.H. Copley Heirs / Addresses Unknown	2.78 acres	4.7327%

Exhibit E
Unit AW-135
Docket #VGOB 04-0120-1248
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #2, 17.12 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Creek Coal Company, Tr.3 P.O. Box 323 Tazewell, VA 24651	17.12 acres	29.1454%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Emma Jean Vance c/o Kenneth Anders P.O. Box 558 Doran, VA 24612	17.12 acres	29.1454%
<u>Tract #3A, 12.42 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Creek Coal Company, Tr.1 P.O. Box 323 Tazewell, VA 24651	12.42 acres	21.1440%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mary A. Huffman, et al. (30 Acre Tract)	12.42 acres	21.1440%
(h) Mary A. Huffman P. O. Box 926 Richlands, VA 24641	4.14 acres 1/3 of 12.42 acres	7.0480%
(i) James W. Huffman c/o Mary A. Huffman P. O. Box 926 Richlands, VA 24641	2.76 acres 2/9 of 12.42 acres	4.6987%
(j) Jacob H. & Dana Huffman, III P.O. Box 9 McGuady, KY 40153	2.76 acres 2/9 of 12.42 acres	4.6987%
(k) A & R Holdings, Inc. 111 Monte Vista Drive Glade Springs, VA 24340	2.76 acres 2/9 of 12.42 acres	4.6987%
<u>Tract #3B, 2.78 acres</u>		
<u>Escrow due to title conflict</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Creek Coal Company, Tr.1 P.O. Box 323 Tazewell, VA 24651	2.78 acres	4.7327%

List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Goldie Miller, et al.	2.78 acres	4.7327%
(a) Goldie Miller 152 Fawn Drive Raven, VA 24639	2.09 acres 3/4 of 2.78 acres	3.5495%
(b) Betty Osborne P.O. Box 1082 Raven, VA 24639	0.17 acres 1/16 of 2.78 acres	0.2958%
(c) Louvonna Davis P.O. Box 957 Raven, VA 24639	0.17 acres 1/16 of 2.78 acres	0.2958%
(d) Charlotte Osborne P.O. Box 276 Pounding Mill, VA 24637	0.17 acres 1/16 of 2.78 acres	0.2958%
(e) Don Cox 2816 Red Root Ridge Road Raven, VA 24639	0.04 acres 1/64 of 2.78 acres	0.0739%
(f) Donald W. Cox 21 Hartford Road Audbon, NJ 08106	0.04 acres 1/64 of 2.78 acres	0.0739%
(g) Deidre Smith 633 Knox Chapel Road Social Circle, GA 30279	0.04 acres 1/64 of 2.78 acres	0.0739%
(h) Dinah Shelton 115 Bobcat Lane Raven, VA 24639	0.04 acres 1/64 of 2.78 acres	0.0739%
- OR -		
(1) W.H. Copley Heirs / Addresses Unknown	2.78 acres	4.7327%

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1, 26.42 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Mary A. Huffman, et al.	26.42 acres	44.9779% *Pay 8.7680% of their interest in the unit.
<u>(Coal below Tiller Seam exc. P3)</u>		
(a) Mary A. Huffman P. O. Box 926 Richlands, VA 24641	1.43 acres 13/240 of 26.42 acres	2.4363%
(b) James W. Huffman c/o Mary A. Huffman P. O. Box 926 Richlands, VA 24641	1.43 acres 13/240 of 26.42 acres	2.4363%
(c) Jacob H. & Dana Huffman, III P.O. Box 9 McGuady, KY 40153	1.43 acres 13/240 of 26.42 acres	2.4363%
(d) A & R Holdings, Inc. 111 Monte Vista Drive Glade Springs, VA 24340	1.43 acres 13/240 of 26.42 acres	2.4363%
(2) Reserve Coal Properties P. O. Box 947 Bluefield, VA 24605	20.70 acres 47/60 of 26.42 acres	35.2327% *Pay 31.6997% of their interest in the unit.
<u>(P3 Seam Only)</u>		
(1) Mary A. Huffman & James W. Harman, Jr., et al (Harman-Huffman Heirs 1,031.53 ac. tract)	26.42 acres	44.9779%
(a) James W. Harman Jr. c/o Diana Coulthard, Trust Officer First Community Bank P.O. Box 950 Bluefield, WV 24701	2.96 acres 47/420 of 26.42 acres	5.0332% *Pay 0.9772% of their interest in the unit.
(b) S. Laird Harman 233 Grace Lane NE Riner, VA 24149	2.96 acres 47/420 of 26.42 acres	5.0332%
(c) Bettie H. St Clair 104 Dial Rock Road North Tazewell, VA 24630	2.96 acres 47/420 of 26.42 acres	5.0332%
(d) The Estate of Minnie E. Harman, Inc. P.O. Box 323 Tazewell, VA 24651	2.96 acres 47/420 of 26.42 acres	5.0332%
(e) Evelyn H. Harman 1924 Glenwood Park Road Princeton, WV 24740	2.96 acres 47/420 of 26.42 acres	5.0332%
(f) James W. Harman, III Rt.3 Box 803 Tazewell, VA 24651	2.96 acres 47/420 of 26.42 acres	5.0332%

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
(g) Jonathan H. Harman 2727 Mountain View Avenue Bluefield, WV 24701	2.96 acres 47/420 of 26.42 acres	5.0332%
(h) Mary A. Huffman P. O. Box 926 Richlands, VA 24641	1.43 acres 13/240 of 26.42 acres	2.4363% *Pay 3.5330% of their interest in the unit.
(i) James W. Huffman c/o Mary A. Huffman P. O. Box 926 Richlands, VA 24641	1.43 acres 13/240 of 26.42 acres	2.4363%
(j) Jacob H. & Dana Huffman, III P.O. Box 9 McGuady, KY 40153	1.43 acres 13/240 of 26.42 acres	2.4363%
(k) A & R Holdings, Inc. 111 Monte Vista Drive Glade Springs, VA 24340	1.43 acres 13/240 of 26.42 acres	2.4363%

OIL & GAS FEE OWNERSHIP

(1) CNX Gas Company LLC P. O. Box 947 Bluefield, VA 24605	26.42 acres	44.9779%
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INSTRUMENT #05000112:
RECORDED IN THE CLERK'S OFFICE OF
TAZEWELL COUNTY ON
MARCH 14, 2005 AT 31:10PM
JAMES E. BLEVINS, CLERK

Judy L. Shaver, DC
RECORDED BY: JXS

CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit AW-135
VGOB 04-0120-1248
Recorded Supplemental Order

NAME		MAILED	RECEIPT #	RECEIVED
A & R Holdings, Inc		3/30/2005	7004 1160 0000 6289 9751	3/31/2005
Coal Creek Coal Company		3/30/2005	7004 1160 0000 6289 9775	4/5/2005
Copley Heirs	W. H.		**Address Unknown**	
Cox	Don	3/30/2005	7004 1160 0000 6289 9782	3/31/2005
Cox	Donald W.	3/30/2005	7004 1160 0000 6289 9799	4/5/2005
Davis	Louvonna	3/30/2005	7004 1160 0000 6289 9805	4/1/2005
Estate of Minnie E. Harman Inc		3/30/2005	7004 1160 0000 6289 9812	4/1/2005
Harman	Evelyn H.	3/30/2005	7004 1160 0000 6289 9829	Returned
Harman	Jonathan	3/30/2005	7004 1160 0000 6289 9836	4/1/2005
Harman	S. Laird	3/30/2005	7004 1160 0000 6289 9843	4/1/2005
Harman III	James W.	3/30/2005	7004 1160 0000 6289 9850	4/6/2005
Harman Jr.	James W.	3/30/2005	7004 1160 0000 6289 9867	Returned
Huffman	James W.	3/30/2005	7004 1160 0000 6289 9874	4/2/2005
Huffman	Mary A.	3/30/2005	7004 1160 0000 6289 9881	4/2/2005
Huffman III	Jacob H. & Dana	3/30/2005	7004 1160 0000 6289 9898	4/4/2005
Miller	Goldie	3/30/2005	7004 1160 0000 6289 9904	4/9/2005
Osborne	Betty	3/30/2005	7004 1160 0000 6289 9911	4/1/2005
Osborne	Charlotte	3/30/2005	7004 1160 0000 6289 9928	3/31/2005
Reserve Coal Properties		3/30/2005	**Hand Delivered	3/30/2005
Shelton	Dinah	3/30/2005	7004 1160 0000 6289 9935	3/31/2005
Smith	Deidre	3/30/2005	7004 1160 0000 6289 9942	4/18/2005
St Clair	Betty H.	3/30/2005	7004 1160 0000 6289 9959	Returned
Vance	Emma Jean	3/30/2005	7004 1160 0000 6289 9966	Returned

BEFORE THE VIRGINIA GAS AND OIL BOARD

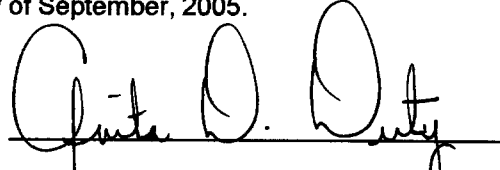
IN RE:

AFFIDAVIT OF MAILING

Anita D. Duty, being first duly sworn on oath, deposes and says:

1. That your affiant is employed by CNX Gas Company LLC, P.O. Box 947, Bluefield, Virginia 24605; that your affiant, as one of her duties, is required to mail notices to persons required to be notified of hearings before and decisions of the Virginia Gas and Oil Board (hereinafter the "Board"); that your affiant receives, reviews and distributes mail addressed to Consol Energy Inc. owned companies and/or partnerships at its aforementioned office;
2. That paragraph four (4) of a Supplemental directed CNX Gas Company LLC to cause a copy of said order to be mailed to the last known address of each well operator listed in said order;
3. That your affiant mailed copies of the order referred to at paragraph "2" above; that annexed hereto and incorporated herein by reference are copies of proofs of mailing showing the parties to whom the copies were mailed and the date of mailing; (See Exhibit A for a complete list.)

Dated at Tazewell, Virginia, this 19th day of September, 2005.


Anita D. Duty, Affiant

Taken, subscribed and sworn to before me by Anita D. Duty, this 19th day of September, 2005.


Notary Public

My commission expires: 10/31/05